

ELECTRONICALLY FILED Pulaski County Circuit Court Terri Hollingsworth, Circuit/County Clerk 2019-Mar-01 15:28:46 60CV-19-1251 C06D02 : 19 Pages

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

KATHLEEN TORRENCE

PLAINTIFF

v.

CASE NO. _____

AAA ARKANSAS INSURANCE AGENCY, INC.

DEFENDANT

CLASS ACTION COMPLAINT

I. INTRODUCTION

1. Kathleen Torrence was driving a 2001 Mercedes-Benz E-Class sedan that was involved in an accident. Torrence insured the vehicle with AAA Arkansas Insurance Agency, Inc. ("AAA"), who declared the vehicle a total loss. After the vehicle was declared a total loss, AAA made a cash settlement of \$3,438 using a CCC One Report. No similar cars were for sale within 250 miles of Torrence's home, but similar vehicles were for sale at prices ranging from \$4,800 to \$5,995 within a 500 mile radius. AAA uses the CCC One Report in adjusting its total loss claims. The CCC One Report systematically undervalues the insured's vehicles, resulting in a payment of

loss claims, saving AAA millions of dollars each year at the expense of its insureds.

2. AAA's use of the CCC One Report to value total loss claims violates its contracts with its insureds and Arkansas law. AAA is required to calculate actual cash value through either: (a) the cost of a specific, comparable replacement automobile, or (b) using one of two or more quotations obtained from two or more qualified dealers or appraisal services located within the local market area. Instead of following Arkansas law AAA uses the CCC One Report to cheat their policyholders and increase their profits. Torrence brings this suit on behalf of herself and others similarly situated to recover the difference between the actual cash value of her vehicle and what she was paid, punitive damages, costs, and attorneys' fees. Plaintiff also asks the Court to declare that the use of the CCC One Report to adjust first-party insurance claims violates Arkansas law and to permanently enjoin its use.

II. PARTIES, JURISDICTION, AND VENUE

3. Plaintiff Kathleen Torrence is a resident and citizen of Pulaski County, Arkansas. At all times relevant to this Complaint, she had a motor vehicle insurance policy with AAA and had a total-loss claim.

4. Defendant AAA Insurance Agency, Inc. is incorporated in Arkansas and has its principal place of business in Little Rock, AR. It's registered agent for service is the Corporation Service Company, located at 300 Spring St., Suite 900, Little Rock, AR 72201. Further, because this is a direct action against AAA, it is also a citizen of each state of which Plaintiff and all putative class members are Citizens. 28 U.S.C. § 1332(c)(1). Thus, AAA is also citizen of Arkansas because the Plaintiff and putative class members are citizens of Arkansas.

5. This Court has subject matter jurisdiction pursuant to Ark. Const. amend. 80, § 6 and Ark. Code Ann. § 16-13-201.

6. Venue is proper in this Court because Plaintiff resided in Pulaski County at the time of the events which gave rise to this cause of action, and the accident occurred in the same. Ark. Code Ann. § 16-60-101.

III. FACTUAL ALLEGATIONS

7. In November of 2015, Torrence was driving a 2001 Mercedes - Benz E-Class Sedan, and was involved in a motor vehicle accident which resulted in substantial damage to her vehicle. Torrence had an insurance policy with AAA and submitted a claim to her insurer, and received an estimate on or about November 30, 2015.

8. Torrence's insurance policy with AAA contained a clause providing for the adjustment and settlement of total loss claims based on "actual cash value or replacement with another of like kind or quality." Upon information and belief, this is AAA's standard automobile insurance policy issued to insureds in the state of Arkansas.

9. AAA used a report from a third-party corporation known as a CCC One Report to adjust Torrence's claim. Solera, Inc. sells automobile valuation information primarily to insurance companies for settling total loss vehicle claims. The CCC One Report is sold almost solely to insurance companies, and it is marketed as reducing the costs of total value settlements. Upon information and belief, AAA uses the CCC One Report to calculate its offers of all total loss claims.

10. AAA presented the CCC One report to Torrence as representing the "actual cash value" of the vehicle, and, based on the CCC One Report, AAA paid \$3,438 to settle the claim. *See* CCC One Report, attached as Exhibit 1. Plaintiff's vehicle, however, was worth more than shown on the CCC One Report. A search for identical vehicles for sale in the immediate area did not show any vehicles of a similar make, model, mileage, or condition within 250 miles of Torrence's home. However, if the search area was expanded to _____

500 miles, there were similar vehicles listed for prices between \$4,800 and \$5,995. *See* used cars for sale at nearby dealerships, obtained on February 28, 2019 attached as Exhibit 2.

11. The CCC One Report systematically undervalues vehicles by making a series of arbitrary and unexplained adjustments to the vehicles contained in the report. For instance, the CCC One Report bases its estimate on vehicles listed for sale, but not “in the local area.” The first purportedly “comparable” vehicle was located in Memphis, Tennessee, some 138 miles away, while the other vehicle was listed in Paducah, Kentucky, which is over 320 miles away. These are not “in the local market area.”

12. The CCC Report automatically discounts 7% from the list value of vehicles listed for private sale and 9% from the value of cars sold by a dealership. This serves to immediately lower the cash price paid to covered parties.

13. AAA knows that the CCC One Report undervalues vehicles. Despite knowing that the CCC One Report undervalues vehicles, AAA continues to use it to determine the amount to pay claimants.

14. Arkansas law requires that AAA, when adjusting or settling first party automobile total losses, either provide a replacement vehicle, provide

a cash settlement based on a specific replacement vehicle if one is available in the local market area, or use "one (1) of two (2) or more quotations obtained by the insurer from two (2) or more qualified dealers or appraisal services located within the local market area when a comparable automobile is located in the local market area." Ark. Ins. Regulation 43, § 10(a)(2). If the insurer deviates from one of those methods, the deviation must be supported by documentation giving particulars of the automobiles condition, and "[a]ny deductions from such cost, including deduction for salvage, must be measurable, discernable, itemized, and specified as to dollar amount and shall be appropriate in amount." Ark. Ins. R. 43, § 10(a)(3). Further, "[t]he basis for such settlement shall be fully explained to the first party claimant." Ark. Ins. R. 43, § 10(a)(3).

15. CCC One Information Services, Inc. is not a qualified dealer or appraisal service located in Pulaski County, Arkansas. CCC One Information Services, Inc. is not registered with the Arkansas Secretary of State to do business in Arkansas, and does not maintain any offices in the state of Arkansas.

16. AAA did not provide documentation about why it needed to deviate from one of the two approved methods for Torrence's vehicle, and

there was nothing unique about Torrence's vehicle that would justify deviating from the methods approved under Arkansas law.

17. AAA knows or should know that using the CCC One Report to determine actual cash value violates Arkansas law. Despite knowing that the practice is unlawful, AAA uses the practices because it saves AAA millions of dollars. AAA can achieve this savings because the cost of obtaining an appraisal and litigating the value of a property damage claim exceeds the difference in value between the CCC One Report and the actual cash value of the vehicle.

IV. CLASS ACTION ALLEGATIONS

18. Plaintiff incorporates by reference the preceding paragraphs as if they were fully set forth herein.

19. Plaintiff brings this as a class action under Rule 23 of the *Arkansas Rules of Civil Procedure*.

20. Members of the putative class are so numerous that joinder of all such members is impracticable. The exact size of the putative class is unknown, but may be easily determined from records maintained by AAA.

21. There are common questions of law and fact applicable to the putative class with respect to liability, relief, and anticipated affirmative defenses. Common questions of law and fact include:

- a. Whether AAA has a practice of using the CCC One Report to determine actual cash value;
- b. Whether Regulation § 43, § 10 is incorporated into the terms of AAA's automobile insurance policies;
- c. Whether AAA's practices violated Regulation 43, § 10;
- d. Whether CCC One Information Services, Inc. is a qualified dealer or appraiser in the local market area; and
- e. By what percentage does CCC One systematically undervalue cars vis a vis their actual cash value;

22. Plaintiff's claims are typical of the putative class. Like all other putative class members, Plaintiff had a total loss automobile claim that was settled and adjusted using the CCC One Report.

23. Plaintiff will fairly and adequately protect the interest of the putative class. He has no conflicts with putative class members and has suffered the same injury as members of the putative class.

24. Plaintiff's counsel possesses the requisite resources and experience in class action litigation to adequately represent Plaintiffs in prosecuting the claims here.

25. The questions of law and fact common to Plaintiff and members of the putative class predominate over any question affecting only individual class members. These common questions concerning AAA's wrongdoing must be resolved for all class members.

26. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. AAA engages in a common business practice of using the CCC One Report to settle total loss claims, which is alleged to violate Arkansas law, and it is not unfair to require AAA to litigate its business practice on a class-wide basis. Moreover, Class members' individual damage claims are too small to make individual litigation an economically viable alternative. But despite the small size of any one individual's claims standing along, the aggregate value of the practice is substantial.

27. Plaintiff's class claims are appropriate to proceed under the Arkansas Deceptive Trade Practices Act. Act 986 of 2017 – which purports to prohibit most private class actions under the Act – is an unconstitutional

intrusion into the Arkansas Supreme Court's exclusive authority to "prescribe the rules of pleading, practice and procedure for all courts." Ark. Const. Amend. 80, § 3; *see also Johnson v. Rockwell Automation*, 2009 Ark. 241, 308 S.W.3d 135 (holding two provisions of Arkansas Civil Justice Reform Act were unconstitutional); *Summerville v. Thrower*, 369 Ark. 231, 253 S.W.3d 415 (2007) (holding statute requiring reasonable cause affidavit was unconstitutional); *Weidrick v. Arnold*, 310 Ark. 138, 835 S.W.2d 843 (1992) (holding statute requiring 60-day notice before filing medical malpractice claim was unconstitutional).

V. CAUSES OF ACTION

COUNT I: ARKANSAS DECEPTIVE TRADE PRACTICES ACT

28. Plaintiff incorporates by reference the preceding paragraphs as if they were fully set forth herein.

29. Arkansas law requires that an insurer settle total loss automobile claims by providing the insured with enough money to purchase a specific comparable replacement vehicle in the local market area, or, if no comparable vehicle is available, using one of two or more quotations from a local dealer or appraiser. Ark. Ins. R. 43, § 10.

30. AAA settles total loss automobile claims by relying on the CCC One Report, even though CCC One Information Services, Inc. is not a local

dealer or appraiser and even though the report does not provide the insured with sufficient funds to purchase a comparable replacement automobile.

31. AAA engaged in an unconscionable, false, or deceptive act or practice in business, commerce, or trade when it used the CCC One Report to settle Plaintiff's total loss claim. AAA also used the same unconscionable, false, or deceptive act or practice in using the CCC One Report to settle all of its total loss claims in Arkansas.

32. Defendant's conduct proximately caused damage to Plaintiff and putative class members. Plaintiff and putative class members seek compensatory damages in an amount equal to the difference between the amount paid to them to settle total loss claims and the actual cash value of their vehicle computed as required by Arkansas law.

33. AAA knew or ought to have known that their conduct would result in injury to Plaintiff and putative class members and it continued in such conduct in reckless disregard of the consequences. As a result, Plaintiff and putative class members are entitled to punitive damages.

34. Plaintiff and the putative class members are entitled to an award of attorneys' fees, costs, and expenses in bringing their Deceptive Trade Practices Act claim.

COUNT II: FRAUD IN THE INDUCEMENT

35. Plaintiff incorporates by reference the preceding paragraphs as if they were fully set forth herein.

36. AAA falsely represented that the amount in the CCC One Report represented the actual cash value of Torrence's automobile. AAA made the same false representation to every other putative class member.

37. AAA knew that its representation was false. First, AAA knew that Arkansas law requires that an insurer use one of the methods identified in Regulation 43 to determine actual cash value and that the CCC One Report was not a permissible method. Further, AAA knew that the CCC One Report systematically generated valuations that were lower than the "actual cash value" that would have resulted had it obtained a valuation from a qualified local dealer or appraiser as required by Arkansas law.

38. AAA intended to induce and coerce Plaintiff and putative class members into settling their total loss claims for less than they would have if AAA had complied with Arkansas law and obtained a quotation from a qualified dealer or appraiser located in the local market area.

39. Plaintiff and putative class members justifiably relied on AAA's representation about the actual cash value. Indeed, because the

misrepresentation goes to a material matter, reliance is presumed. *Manhattan Credit Co. v. Burns*, 230 Ark. 418, 323 S.W.2d 206 (1959) (“[R]eliance is to be presumed when, as here, the misrepresentation goes to a material matter.”); *Pickering v. Garrison*, 2009 Ark. App. 107, at *13 (“Reliance is presumed when the misrepresentation goes to a material matter.”).

40. AAA’s conduct proximately caused damages. Plaintiff and putative class members suffered damages in an amount equal to the difference between the amount paid to them to settle their total loss claims and the actual cash value of their vehicle computed as required by Arkansas law.

41. Defendant knew or ought to have known that its conduct would result in injury to Plaintiff and putative class members and it continued in such conduct in reckless disregard of the consequences. As a result, Plaintiff and putative class members are entitled to punitive damages.

COUNT III: BAD FAITH

42. Plaintiff incorporates by reference the preceding paragraphs as if they were fully set forth herein.

43. AAA acted in bad faith to avoid liability under its policy issued to Torrence. AAA knew that its method of settling total loss claims violated

Arkansas law and would result in a lower payment to Torrence than if AAA would have obtained a quotation from a qualified local dealer or appraiser. Despite this knowledge, AAA fraudulently presented the CCC One Report to Torrence as representing the “actual cash value” of her vehicle.

44. AAA did more than merely refuse to pay a claim. AAA intentionally violated Arkansas law to save itself money at the expense of its insured. AAA’s conduct was dishonest and oppressive, and was carried out with a state of mind characterized by contempt for its insureds.

45. AAA’s conduct proximately caused damages. Plaintiff and putative class members suffered damages in an amount equal to the difference between the amount paid to them to settle total loss claims and the actual cash value of their vehicle computed as required by Arkansas law.

46. Defendants knew or ought to have known that their conduct would result in injury to Plaintiff and putative class members and it continued in such conduct in reckless disregard of the consequences. As a result, Plaintiff and putative class members are entitled to punitive damages.

COUNT IV: BREACH OF CONTRACT

47. Plaintiff incorporates by reference the preceding paragraphs as if they were fully set forth herein.

48. Torrence and AAA entered into a contract. Among other things, the policy provides for the adjustment and settlement of total losses based on “actual cash value or replacement with another of like kind or quality.”

49. Arkansas law requires that AAA either provide a replacement vehicle, provide a cash settlement based on a specific replacement vehicle if one is available in the local market area, or use “one (1) of two (2) or more quotations obtained by the insurer from two (2) or more qualified dealers or appraisal services located within the local market area when a comparable automobile is located in the local market area.” Ark. Ins. Regulation 43, § 10(a)(2). If the insurer deviates from this method, it must provide documentation for the deviation, including giving particulars of the automobiles condition, and “[a]ny deductions from such cost, including deduction for salvage, must be measurable, discernable, itemized, and specified as to dollar amount and shall be appropriate in amount.” Ark. Ins. R. 43, § 10(a)(3). Further, “[t]he basis for such settlement shall be fully explained to the first party claimant.” Ark. Ins. R. 43, § 10(a)(3). The provisions of Ark. Ins. R. 43 are incorporated into the insurance contract as a matter of law. *See First Sec. Bank v. John Doe 1, 2, & 3*, 297 Ark. 254, 257, 760 S.W.2d 863, 865 (1988).

50. Torrence and putative class members did what the contract required of them.

51. AAA breached the contracts by using the CCC One Report instead of using the methods required by Arkansas law.

52. As a result of AAA's breach of contract, Plaintiff and putative class members suffered damages in an amount equal to the difference between the amount paid to them to settle total loss claims and the actual cash value of their vehicle computed as required by Arkansas law.

VI. JURY DEMAND & PRAYER FOR RELIEF

53. Plaintiff incorporates by reference the preceding paragraphs as if they were fully set forth herein.

54. Article 2, § 7 of the Arkansas Constitution provides that "The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy[.]" Further, Article 2, § 13 also guarantees every person a "remedy in the laws for all injuries or wrongs" Plaintiff demands a remedy in the laws for all injuries and wrongs alleged, and a trial by jury on all issues so triable.

55. WHEREFORE, Plaintiff respectfully requests this Court:

a. Certify a class defined as:

All individuals insured by AAA under a policy issued or effective in Arkansas who: (a) had a total loss claim with AAA; (b) that received a settlement calculated using CCC One Report; (c) during the period from February 28, 2014 to the present.

b. Appoint Kathleen Torrence as class representative;

c. Appoint Holleman & Associates, P.A. as class counsel;

d. Declare that AAA's practice of using the CCC One Report to settle total loss claims violates Arkansas law;

e. Enjoin AAA from using the CCC One Report to settle future total loss claims in the state of Arkansas;

f. Award her compensatory damages in an amount equal to the difference between the actual cash value of her vehicle and the amount AAA paid;

g. Award her punitive damages in an amount sufficient to punish AAA for its wrongdoing and to deter others from engaging in similar wrongdoing;

h. Award Plaintiff all recoverable costs, expenses, and attorneys' fees incurred in prosecuting this action, together with all applicable interest; and

i. Grant Plaintiff all such further relief deemed just and appropriate.

Respectfully Submitted,

HOLLEMAN & ASSOCIATES, P.A.
1008 West Second Street
Little Rock, Arkansas 72201
Tel. 501.975.5040
Fax 501.975.5043

By: _____

John Holleman, ABN 91056
jholleman@johnholleman.net
Timothy A. Steadman, ABN 2009113
tim@johnholleman.net
Jerry Garner, ABN 2014134
jerry@johnholleman.net

&

Lloyd "Tre" Kitchens, ABN 99075
tkitchens@bradhendricks.com
THE BRAD HENDRICKS LAW FIRM
500 C Pleasant Valley Drive
Little Rock, AR 72227
Telephone (501) 221-0444



MARKET VALUATION REPORT

Prepared for AUTO CLUB ENTERPRISES



REPORT SUMMARY



CLAIM INFORMATION

Owner	Torrence, Kathleen 5716 Meadowlark Dr Little Rock, AR 72209
Loss Vehicle	2001 Mercedes-Benz E-Class 4dr Sdn 4.3L
Loss Incident Date	11/17/2015
Claim Reported	11/30/2015



INSURANCE INFORMATION

Report Reference Number	80088252
Claim Reference	PA0001349458-11809649
Adjuster	Moore, Gabriell
Odometer	172,264
Last Updated	12/22/2015 09:47 AM



VALUATION SUMMARY

Base Vehicle Value	\$ 3,403.00
Condition Adjustment	+ \$ 30.00
Adjusted Vehicle Value	\$ 3,433.00

Total	\$ 3,433.00
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The total may not represent the total of the settlement as other factors (e.g. license and fees) may need to be taken into account.

The CCC ONE® Market Valuation Report reflects CCC Information Services Inc.'s opinion as to the value of the loss vehicle, based on information provided to CCC by AUTO CLUB ENTERPRISES.

BASE VEHICLE VALUE

This is derived from comparable vehicle(s) available or recently available in the marketplace at the time of valuation, per our valuation methodology described on the next page.

ADJUSTED VEHICLE VALUE

This is determined by adjusting the Base Vehicle Value to account for the actual condition of the loss vehicle and certain other reported attributes, if any, such as refurbishments and after factory equipment.

Inside the Report

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**PLAINTIFF'S
EXHIBIT**

CCC ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649



REPORT SUMMARY

Supplemental Information 11

CCC ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649

VALUATION METHODOLOGY

How was the valuation determined?

CLAIM INSPECTION



AUTO CLUB ENTERPRISES has provided CCC with the zip code where the loss vehicle is garaged, loss vehicle VIN, mileage, equipment, as well as loss vehicle condition, which is used to assist in determining the value of the loss vehicle.

DATABASE REVIEW



CCC maintains an extensive database of vehicles that currently are or recently were available for sale in the U.S. This database includes vehicles that CCC employees have physically inspected, as well as vehicles advertised for sale by dealerships or private parties. All of these sources are updated regularly.

SEARCH FOR COMPARABLES

When a valuation is created the database is searched and comparable vehicles in the area are selected. The zip code where the loss vehicle is garaged determines the starting point for the search. Comparable vehicles are similar to the loss vehicle based on relevant factors.



CALCULATE BASE VEHICLE VALUE

Adjustments to the price of the selected comparable vehicles are made to reflect differences in vehicle attributes, including mileage and options. Dollar adjustments are based upon market research.

Finally, the Base Vehicle Value is the straight average of the adjusted values of the comparable vehicles.



CCC ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649



VEHICLE INFORMATION

VEHICLE DETAILS

Location	LITTLE ROCK, AR 72209
VIN	WDBJF70J91B383025
Year	2001
Make	Mercedes-Benz
Model	E-Class
Body Style	4dr Sdn 4.3L
Body Type	Sedan
Engine -	
Cylinders	8
Displacement	4.3L
Fuel Type	Gasoline
Carburation	SMPI
Transmission	Automatic Transmission Overdrive

Vehicles sold in the United States are required to have a manufacturer assigned Vehicle Identification Number (VIN). This number provides certain specifications of the vehicle.

Please review the information in the Vehicle Information Section to confirm the reported mileage and condition, and to verify that the information accurately reflects the options, additional equipment, refurbishments or other aspects of the loss vehicle that may impact the value.

VEHICLE HISTORY SUMMARY

Experian AutoCheck No Title Problem Found

CCC ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649



VEHICLE INFORMATION

VEHICLE EQUIPMENT

Package 1:	Sport
Odometer	172,264
Transmission	Automatic Transmission ✓
	Overdrive ✓
Power	Power Steering ✓
	Power Brakes ✓
	Power Windows ✓
	Power Locks ✓
	Power Mirrors ✓
	Power Driver Seat ✓
	Power Passenger Seat ✓
	Power Trunk/Gate Release ✓
Decor/Convenience	Air Conditioning ✓
	Climate Control ✓
	Tilt Wheel ✓
	Cruise Control ✓
	Rear Defogger ✓
	Intermittent Wipers ✓
	Console/Storage ✓
	Memory Package ✓
	Keyless Entry ✓
	Telescopic Wheel ✓
	Home Link ✓
	Wood Interior Trim ✓
Seating	Bucket Seats ✓
	Leather Seats ✓
Radio	AM Radio ✓
	FM Radio ✓
	Stereo ✓
	Search/Seek ✓
	Cassette ✓
	Steering Wheel Touch Controls ✓

To the left is the equipment of the loss vehicle that AUTO CLUB ENTERPRISES provided to CCC.

✓ **Standard** This equipment is included in the base configuration of the vehicle at time of purchase.

☐ **Additional** Equipment that is not Standard but was noted to be on the loss vehicle.

CCC ONE MARKET VALUATION REPORT

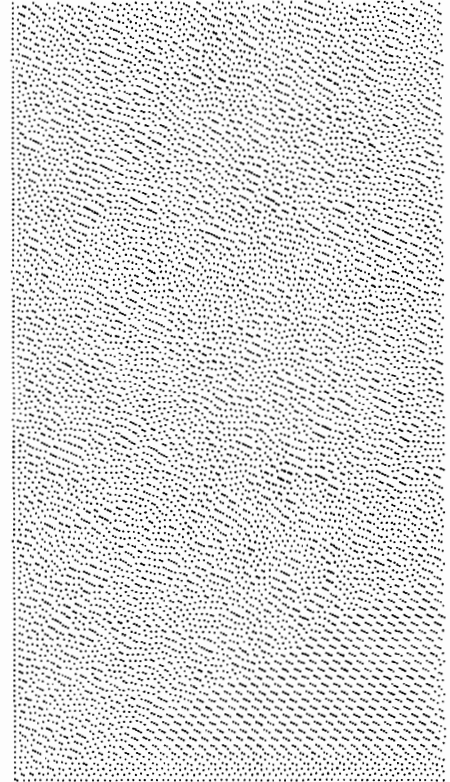
Owner: Torrence, Kathleen
Claim: PA0001349458-11809649



VEHICLE INFORMATION

VEHICLE EQUIPMENT

	Premium Radio	✓
Wheels	Aluminum/Alloy Wheels	✓
Safety/Brakes	Air Bag (Driver Only)	✓
	Passenger Air Bag	✓
	Anti-lock Brakes (4)	✓
	4-wheel Disc Brakes	✓
	Front Side Impact Air Bags	✓
	Alarm	✓
	Traction Control	✓
	Stability Control	✓
Exterior/Paint/Glass	Dual Mirrors	✓
	Heated Mirrors	✓
	Tinted Glass	☐
	Fog Lamps	✓
	Clearcoat Paint	☐



CCC ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649



VEHICLE CONDITION

COMPONENT CONDITION

	Condition	Inspection Notes	Value Impact
INTERIOR			
Seats	PRIVATE OWNER		\$ 0
Carpets	PRIVATE OWNER		\$ 0
Dashboard	PRIVATE OWNER		\$ 0
Headliner	PRIVATE OWNER		\$ 0
EXTERIOR			
Body	PRIVATE OWNER		\$ 0
Glass	PRIVATE OWNER		\$ 0
Paint	PRIVATE OWNER		\$ 0
MECHANICAL			
Engine	PRIVATE OWNER		\$ 0
Transmission	PRIVATE OWNER		\$ 0
TIRES			
Front Tires	DEALER	LF 6/32 RF 7/32	\$ 15
Rear Tires	DEALER	LR 7/32 RR 6/32	\$ 15
Total Condition Adjustments			\$ 0

AUTO CLUB ENTERPRISES uses condition inspection guidelines to determine the condition of key components of the loss vehicle prior to the loss. The guidelines describe physical characteristics for these key components, for the condition selected based upon age. Inspection Notes reflect observations from the appraiser regarding the loss vehicle's condition.

CCC makes dollar adjustments that reflect the impact the reported condition has on the value of the loss vehicle as compared to Private Owner/Private Owner condition. These dollar adjustments are based upon interviews with dealerships across the United States.

ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
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COMPARABLE VEHICLES

Options	Loss Vehicle	Comp 1	Comp 2
Sport	✓	x	x
Odometer	172,264	67,486	172,154
Automatic Transmission	✓	✓	✓
Overdrive	✓	✓	✓
Power Steering	✓	✓	✓
Power Brakes	✓	✓	✓
Power Windows	✓	✓	✓
Power Locks	✓	✓	✓
Power Mirrors	✓	✓	✓
Power Driver Seat	✓	✓	✓
Power Passenger Seat	✓	✓	✓
Power Trunk/Gate Release	✓	✓	✓
Air Conditioning	✓	✓	✓
Climate Control	✓	✓	✓
Tilt Wheel	✓	✓	✓
Cruise Control	✓	✓	✓
Rear Defogger	✓	✓	✓
Intermittent Wipers	✓	✓	✓
Console/Storage	✓	✓	✓
Memory Package	✓	✓	✓
Keyless Entry	✓	✓	✓
Telescopic Wheel	✓	✓	✓
Message Center	x	x	✓
Home Link	✓	✓	✓
Wood Interior Trim	✓	✓	✓
Bucket Seats	✓	✓	✓
Leather Seats	✓	✓	✓
AM Radio	✓	✓	✓
FM Radio	✓	✓	✓
Stereo	✓	✓	✓
Search/Seek	✓	✓	✓
Cassette	✓	✓	✓
Steering Wheel Touch Controls	✓	✓	✓
Premium Radio	✓	✓	✓
Aluminum/Alloy Wheels	✓	✓	✓
Drivers Side Air Bag	✓	✓	✓
Passenger Air Bag	✓	✓	✓
Anti-lock Brakes (4)	✓	✓	✓
4-wheel Disc Brakes	✓	✓	✓
Front Side Impact Air Bags	✓	✓	✓

Comp 1 Updated Date: 10/29/2015
2001 Mercedes-benz E-class 4dr Sdn
4.3l 8 4.3l Gasoline Smpi
VIN WDBJF70J91B231326
Dealership Automation Ford Lincoln W
Telephone (877) 880-8966
Source Autotrader
Stock # 1B231326

Distance from Little Rock, AR
148 Miles - Memphis, TN

Comp 2 Updated Date: 10/10/2015
2002 Mercedes-benz E-class 4dr Sdn
4.3l 8 4.3l Gasoline Smpi
VIN WDBJF70J92B420513
Dealership Paducah Ford Lincoln Merc
Telephone (270) 444-0011
Source Autotrader
Stock # P9216A

Distance from Little Rock, AR
263 Miles - Paducah, KY

Comparable vehicles used in the determination of the Base Vehicle Value are not intended to be replacement vehicles but are reflective of the market value, and may no longer be available for sale.

List Price is the sticker price of an inspected dealer vehicle and the advertised price for the advertised vehicle.

Distance is based upon a straight line between loss and comparable vehicle locations.

*The Condition Adjustment sets that comparable vehicle to Private Owner/Private Owner condition, which the loss vehicle is also compared to in the Vehicle Condition section.

ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649



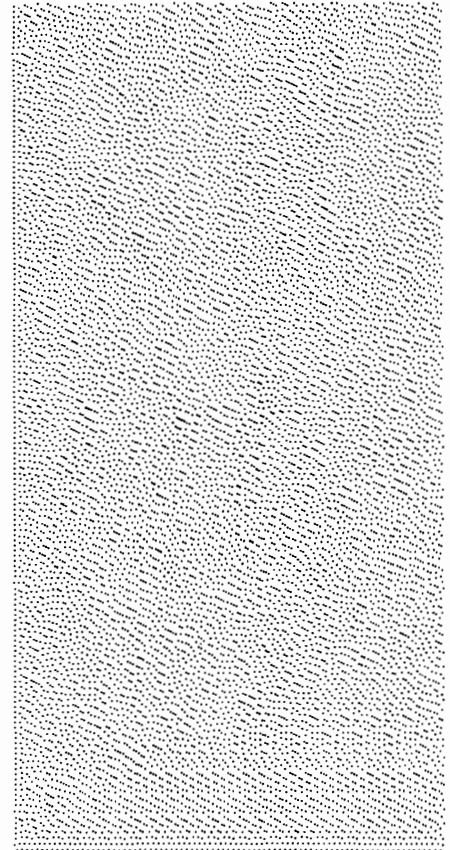
COMPARABLE VEHICLES

Options	Loss Vehicle	Comp 1	Comp 2
Head/Curtain Air Bags	x	x	✓
Rear Side Impact Air Bags	x	x	✓
Communications System	x	x	✓
Alarm	✓	✓	✓
Traction Control	✓	✓	✓
Stability Control	✓	✓	✓
Dual Mirrors	✓	✓	✓
Heated Mirrors	✓	✓	✓
Tinted Glass	✓	x	x
Fog Lamps	✓	✓	✓
Clearcoat Paint	✓	x	x

List Price \$ 6,486 \$ 4,995

Adjustments:			
Package		+ \$ 100	+ \$ 100
Make/Model/Trim			- \$ 800
Mileage		- \$ 2,584	+ \$ 80
Condition ¹		- \$ 781	- \$ 781

Adjusted Comparable Value \$ 1,721 \$ 1,594



CCC ONE. MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649



VALUATION NOTES

12/22/2015 09:47 - Pre/Post Tax data modified after Valuation

12/22/2015 09:47 - Packages added : SPORT

12/22/2015 09:47 - Post Valuation Adjustment entered for:

12/22/2015 09:47 - Condition Ratings changed after Valuation

12/22/2015 09:47 - AppraiserId changed, Old : 71168 with New :

12/22/2015 09:47 - AppraiserLastName changed, Old : Branson with New :

12/22/2015 09:47 - AppraiserFirstName changed, Old : Christopher with New :

12/22/2015 09:47 - User has changed one or more of the below mentioned items:
Appraiser, Insured, Owner, Loss Type, Coverage, Third Party

This Market Valuation Report has been prepared exclusively for use by AUTO CLUB ENTERPRISES, and no other person or entity is entitled to or should rely upon this Market Valuation Report and/or any of its contents. CCC is one source of vehicle valuations, and there are other valuation sources available.

Regulations concerning vehicle
value include Arkansas Insurance
Department Rule 43.

CCC ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649

SUPPLEMENTAL INFORMATION



EXPERIAN® AUTOCHECK® VEHICLE HISTORY REPORT

TITLE CHECK

RESULTS FOUND

Abandoned	✓	No Abandoned Record Found
Damaged	✓	No Damaged Record Found
Fire Damage	✓	No Fire Damage Record Found
Grey Market	✓	No Grey Market Record Found
Hail Damage	✓	No Hail Damage Record Found
Insurance Loss	✓	No Insurance Loss Record Found
Junk	✓	No Junk Record Found
Rebuilt	✓	No Rebuilt Record Found
Salvage	✓	No Salvage Record Found

EVENT CHECK

RESULTS FOUND

NHTSA Crash Test Vehicle	✓	No NHTSA Crash Test Vehicle Record Found
Frame Damage	✓	No Frame Damage Record Found
Major Damage Incident	✓	No Major Damage Incident Record Found
Manufacturer Buyback/Lemon	✓	No Manufacturer Buyback/Lemon Record Found
Odometer Problem	✓	No Odometer Problem Record Found
Recycled	✓	No Recycled Record Found
Water Damage	✓	No Water Damage Record Found
Salvage Auction	✓	No Salvage Auction Record Found

VEHICLE INFORMATION

RESULTS FOUND

Accident	✓	No Accident Record Found
Corrected Title	☐	Corrected Title Record Found
Driver Education	✓	No Driver Education Record Found
Fire Damage Incident	✓	No Fire Damage Incident Record Found
Lease	☐	Lease Record Found
Lien	✓	No Lien Record Found
Livery Use	✓	No Livery Use Record Found
Government Use	✓	No Government Use Record Found
Police Use	✓	No Police Use Record Found
Fleet	✓	No Fleet Record Found
Rental	✓	No Rental Record Found
Fleet and/or Rental	✓	No Fleet and/or Rental Record Found
Repossessed	✓	No Repossessed Record Found
Taxi use	✓	No Taxi use Record Found
Theft	✓	No Theft Record Found
Fleet and/or Lease	☐	Fleet and/or Lease Record Found
Emissions Safety Inspection	✓	No Emissions Safety Inspection Record Found
Duplicate Title	✓	No Duplicate Title Record Found

CCC provides AUTO CLUB ENTERPRISES information reported by Experian regarding the 2001 Mercedes-Benz E-Class 4dr Sedan 4.3L (WDBJF70J91B383025). This data is provided for informational purposes. Unless otherwise noted in this Valuation Detail, CCC does not adjust the value of the loss vehicle based upon this information.

LEGEND

- ✓ No Event Found
- ☐ Event Found
- ☐ Information Needed

TITLE CHECK

THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss vehicle show no significant title events. When found, events often indicate automotive damage or warnings associated with the vehicle.

EVENT CHECK

THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss vehicle show no historical events that indicate a significant automotive problem. These problems can indicate past previous car damage, theft, or other significant problems.

VEHICLE INFORMATION

INFORMATION FOUND

AutoCheck found additional information on this vehicle. These records will provide more history for this loss vehicle.

ODOMETER CHECK

THIS VEHICLE CHECKS OUT

AutoCheck's result for this loss vehicle show no indication of odometer rollback or tampering was found. AutoCheck determines odometer rollbacks by searching for records that indicate odometer readings less than a previously reported value. Other odometer events can report events of tampering, or possible odometer breakage.

CCC ONE MARKET VALUATION REPORT

Owner: Torrence, Kathleen
Claim: PA0001349458-11809649

SUPPLEMENTAL INFORMATION



FULL HISTORY REPORT RUN DATE: 12/22/2015

Below are the historical events for this vehicle listed in chronological order.

EVENT DATE	RESULTS FOUND	ODOMETER READING	DATA SOURCE	EVENT DETAIL
07/06/2001	BOSSIER CITY, LA	10	Motor Vehicle Dept.	TITLE
07/06/2001	BOSSIER CITY, LA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
06/04/2003	SOUTHEASTERN REGION,	21538	Auto Auction	REPORTED AT AUTO AUCTION
06/04/2003	SOUTHEASTERN REGION,	21538	Auto Auction	AUCTION ANNOUNCED AS FLEET/LEASE
06/10/2003	CA	21545	State Agency	PASSED EMISSION INSPECTION
09/02/2003	CA	21734	State Agency	PASSED EMISSION INSPECTION
09/07/2003	CA	21740	Motor Vehicle Dept.	ODOMETER READING FROM DMV
12/16/2003	SANTA ROSA, CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
12/23/2003	SANTA ROSA, CA		Motor Vehicle Dept.	TITLE (Lien Reported)
11/18/2005	SANTA ROSA, CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
04/22/2006	SANTA ROSA, CA		Motor Vehicle Dept.	TITLE (Lien Reported)
09/20/2006	SANTA ROSA, CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
10/01/2006	SANTA ROSA, CA		Motor Vehicle Dept.	TITLE
09/26/2007	SANTA ROSA, CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
09/26/2007	CA	67234	State Agency	PASSED EMISSION INSPECTION
10/07/2007	SANTA ROSA, CA		Motor Vehicle Dept.	TITLE
10/07/2007	SANTA ROSA, CA		Motor Vehicle Dept.	CORRECTED TITLE
08/18/2009	CA	74245	State Agency	PASSED EMISSION INSPECTION
07/21/2011	CA	93994	State Agency	PASSED EMISSION INSPECTION
12/06/2012	CA	109700	State Agency	PASSED EMISSION INSPECTION
12/15/2012	SAN RAFAEL, CA		Motor Vehicle Dept.	TITLE
12/15/2012	SAN RAFAEL, CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
04/05/2013	CA	110004	Motor Vehicle Dept.	ODOMETER READING FROM DMV

CCC ONE MARKET VALUATION REPORTOwner: Torrence, Kathleen
Claim: PA0001349458-11809649**SUPPLEMENTAL INFORMATION**

EVENT DATE	RESULTS FOUND	ODOMETER READING	DATA SOURCE	EVENT DETAIL
05/22/2013	FAIRFIELD, CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
05/31/2013	FAIRFIELD, CA		Motor Vehicle Dept.	TITLE
06/21/2013	CA	114508	State Agency	PASSED EMISSION INSPECTION
08/26/2013	PACIFIC SW REGION,	117579	Auto Auction	REPORTED AT AUTO AUCTION AS DEALER VEHICLE
08/30/2013	CA	117714	State Agency	PASSED EMISSION INSPECTION
11/18/2013	OAKLAND, CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
11/27/2013	OAKLAND, CA		Motor Vehicle Dept.	TITLE
06/11/2014	OAKLAND, CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
07/23/2015	CA		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
09/14/2015	STRONG, AR		Motor Vehicle Dept.	REGISTRATION EVENT/ RENEWAL
09/14/2015	STRONG, AR		Motor Vehicle Dept.	EXCLUDED/EXEMPT
10/01/2015	STRONG, AR		Motor Vehicle Dept.	TITLE
10/01/2015	STRONG, AR		Motor Vehicle Dept.	EXCLUDED/EXEMPT

AUTOCHECK TERMS AND CONDITIONS:

Experian's Reports are compiled from multiple sources. It is not always possible for Experian to obtain complete discrepancy information on all vehicles; therefore, there may be other title brands, odometer readings or discrepancies that apply to a vehicle that are not reflected on that vehicle's Report. Experian searches data from additional sources where possible, but all discrepancies may not be reflected on the Report.

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THE BRAD HENDRICKS
LAW FIRM
A Professional Association

500 C Pleasant Valley Drive
Little Rock, Arkansas 72227
Telephone: (501) 221-0444
Fax: (501) 661-0196

www.bradhendricks.com

Brad Hendricks ††
Lamar Porter †
Christopher R. Heil
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George R. Wise, Jr.

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† Also Licensed in Texas
†† Also Licensed in Texas & Missouri

Matthew E. Hartness †
Caroline C. Lewis
Lloyd W. "Tre" Kitchens
Sheldon D. Smith
Gary Davis *

* Of Counsel

August 28, 2018

Wendy Kight
AAA Insurance
Claims Department
P.O. Box 66502
St. Louis, MO 63166

RE:	Our Client:	Kathleen Torrence
	Your Insured:	Kathleen Torrence
	Claim #:	PA1349458
	Date of Incident:	11/17/2015

Dear Ms. Kight:

Our firm represents Kathleen Torrence. We need to know how your company valued the total loss claim our client made on their insurance policy. We also need any supporting documentation on how you arrived at that value.

Please produce the above referenced information as quickly as possible. Thank you in advance for your cooperation. Please feel free to contact me with any questions.

Sincerely,

Lloyd W. "Tre" Kitchens
tkitchens@bradhendricks.com

/alm



Cars for
Sale

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Used Mercedes-Benz E-Class for Sale

Sort by: Relevance: Best Match

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6 matches

Save Search

Clear All

× Mercedes-Benz

× E-Class

× 2001

× Used

Location

Search within

500 miles

72209

☐ Show me cars available for home
delivery

Include vehicles outside of my search
radius that can be delivered to my home.

New/Used

☐ All ☐ New ☒ Used

☐ Certified Pre-Owned

Year

FEATURED



GREAT DEAL rcedes-Benz of Little Rock



★ (4.7) 565 reviews

4062 Mercedes-Benz in stock

Dealer Website

Currently in stock:

152 New, 18 CPO, 64 Used
\$29,990 | \$43,995 | \$19,995 3 mi



2001

to

2001

Make

Mercedes-Benz

☐ Acura

☐ BMW

☐ Chevrolet

☐ Ford

☐ Honda

Show all Makes in A-Z

Model

E-Class

☐ C-Class

☐ CL-Class

☐ CLK-Class

☐ M-Class

☐ S-Class

Trim

USED  Save ☐ Compare

\$4,800 | 117,466 mi.

2001 Mercedes-Benz 4dr Sdn 3.2L

GREAT DEAL

Selective Motors

- (317) 548-4835

★ 4.9 (112 reviews) |

492 mi. from 72209

Ext. Color: Gold

Int. Color: Beige


Transmission: Automatic

Drivetrain: RWD



Free CARFAX Report

Check Availability

USED  Save ☐ Compare

\$4,991 | 148,572 mi.

2001 Mercedes-Benz E320

GOOD DEAL

Advantage BMW Midtown

- (866) 413-3488

★ 4.4 (97 reviews) |

382 mi. from 72209

Ext. Color: Other

Int. Color: Other

Transmission: Automatic

Drivetrain: RWD



Free CARFAX Report

Check Availability

☐ Base or Unknown

☐ E320

☐ E320 4MATIC

Price

Min Price

Max Price

Mileage

☐ 90,000 or less (1)

☐ 100,000 or less (1)

☐ 150,000 or less (4)

☐ 200,000 or less (5)

☐ 250,000 or less (5)

Deal Rating



☐ GREAT DEAL (2)

☐ GOOD DEAL (2)

Features

☐ Alloy Wheels (5)

☐ Brake Assist (6)

USED  Save  Compare

\$5,995

89,102 mi.

**2001 Mercedes-Benz 4dr
Sdn 3.2L**

GOOD DEAL

Port City Auto Sales

-(225) 442-3875

300 mi. from 72209

Ext. Color: White

Int. Color: Beige



Transmission: Automatic

Drivetrain: RWD



CARFAX Report

Check Availability

USED  Save  Compare

\$4,999

132,935 mi.

**2001 Mercedes-Benz 4dr
Wgn 3.2L**

GREAT DEAL

Sundance Auto Sales L.L.C.

-(214) 960-5246

★ 3.4 (5 reviews) |

283 mi. from 72209

Ext. Color: Green

Int. Color: Gray

Transmission: Automatic

Drivetrain: RWD



CARFAX Report

Check Availability

- ☐ HomeLink (5)
- ☐ Leather Seats (6)
- ☐ Memory Seat (6)
- ☐ Premium Sound System (1)
- ☐ Stability Control (6)
- ☐ Sunroof/Moonroof (1)
- ☐ Third Row Seating (1)

Body Style >

Exterior Color >

Interior Color >

Drivetrain >

Transmission >

Cylinders >

Photos >

Fuel >


Door Count >

Dealer Ratings >

Listing Date >

Seller Type >

Keywords >

USED  Save ☐ Compare**Not Priced**

| 171,051 mi.

2001 Mercedes-Benz E320 4MATIC**Jack Ingram Motors**

- (334) 472-0122

★ 4.8 (581 reviews) |

386 mi. from 72209

Ext. Color: Silver

Int. Color: Other

Transmission: Automatic


Drivetrain: AWD



Free CARFAX 1-Owner

Report

Check Availability

USED  Save ☐ Compare**Not Priced**

| 294,567 mi.

2001 Mercedes-Benz E320 4MATIC**Lujack's Northpark Autoplaza**

- (888) 472-0402

★ 2.2 (9 reviews) |

483 mi. from 72209

Ext. Color: Beige

Int. Color: Other

Transmission: Automatic

Drivetrain: AWD



Free AutoCheck Report

Check Availability

Prev

Next

1

20 Per Page

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